

***City of York Board of Zoning Appeals
Minutes
September 19, 2022***

Members Present:

Chairperson James Ramere
Rodney Blair
Jill Neff
Strauss Shiple
Bryant Brown
Myra Sinz

Members absent:

Becca Caldwell

Others present:

Planning Director Breakfield
Zoning Administrator Blackston
(see sign-in sheet)

Chairperson James Ramere called the meeting to order at 6:00 pm.

The first item of business was approval of the draft Minutes from the August 8, 2022 meeting. Upon a Motion by Bryant Brown, seconded by Rodney Blair, the Board of Zoning Appeals (BZA) unanimously approved the Minutes as submitted.

The second item of business was a variance request regarding setback requirements for a detached garage at 204 Wilson Avenue.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Zoning Administrator Blackston indicated the following regarding the application:

1. As Chairperson Ramere noted, the second item of business was a variance application regarding setback requirements for a detached garage at 204 Wilson Avenue.
2. The applicant was Jon Simpson and the property was referenced by York County Tax Map Id # 0702004003.
3. The property is currently zoned R15 – Restricted Residential.
4. Per the Zoning Ordinance Dimensional Requirements section, there is a minimum side setback requirement of 10 feet in the R15 – Restricted Residential Zoning District.

5. The applicant proposed to build a 22 ft X 35 ft garage on his property per the attached site plan. Per the provided site plan, the applicant desired a 0 ft setback and the building would project 1.35 ft onto the adjacent property.
6. The applicant requested a variance from the 10 ft side setback per the provided application and supporting information. As background information, the smallest side setback previously approved by the BZA was 5 ft, with the condition that a surveyed foundation plat be submitted that verifies compliance with the required setback
7. As the variance application and supporting information were reviewed, the BZA must be mindful that the following criteria must be met before a variance can be issued. **The criteria should be included and addressed in a BZA Motion:**
 - There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - These conditions do not generally apply to other property in the vicinity;
 - Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.
8. Please be mindful that the BZA has a maximum of 75 days from the initial public hearing regarding this application to make a decision regarding such applications; otherwise, the application is deemed approved.
9. If the application is denied by the BZA, the same application cannot be submitted again for a period of at least one (1) year.
10. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
11. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion by the BZA and upon a Motion by Bryant Brown, seconded by Myra Sinz, the BZA tabled the application until the October 10th meeting when further information from the adjacent property owner could potentially be presented.

The third item of business was a variance request regarding setback requirements for new house at 110 Ratchford Road.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the third item of business was a variance application regarding setback requirements for a proposed house at 110 Ratchford Road.
2. The applicant is *Carolina Contracting & Investments Inc.* and the property is referenced by York County Tax Map Id # 0701801013.
3. The property is currently zoned IU – Institutional.
4. Per the Zoning Ordinance Dimensional Requirements section, the following are the minimum setback requirements in the IU – Institutional Use Zoning District (IU follows R15 guidelines):
 - Front Setback – 35 feet from property line or street right-of-way
 - Side Setback – 10 feet from property line or street right-of-way
 - Rear Setback – 30 feet from property line or street right-of-way
5. The applicant requested a variance from the setback requirements per the provided application and supporting information.
6. As the variance application and supporting information were reviewed, the BZA must be mindful that the following criteria must be met before a variance can be issued. **The criteria should be included and addressed in a BZA Motion:**
 - There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - These conditions do not generally apply to other property in the vicinity;
 - Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.
7. Please be mindful that the BZA has a maximum of 75 days from the initial public hearing regarding this application to make a decision regarding such applications; otherwise, the application is deemed approved.
8. If the application is denied by the BZA, the same application cannot be submitted again for a period of at least one (1) year.
9. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.

10. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion by the BZA and upon a Motion by Myra Sinz, seconded by Bryant Brown, the BZA unanimously approved the proposed 25 foot front setback per the submitted plat.

There being no further business, the meeting was adjourned at 6:45 pm.

Respectfully submitted,

C. David Breakfield Jr., MCP, AICP
Planning Director

Amanda C. Blackston
Zoning Administrator

cc: City Manager Seth Duncan
File- Board of Zoning Appeals 9/19/2022